



TEXAS DEPARTMENT OF INSURANCE

Division of Workers' Compensation - Medical Fee Dispute Resolution (MS-48)

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MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name

Ahmed Khalifa MD

Respondent Name

Insurance Co of the State of PA

MFDR Tracking Number

M4-15-2821-01

Carrier's Austin Representative

Box Number 19

MFDR Date Received

May 1, 2015

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "This request was in response to a \$370.51 reduction of the \$950.07 for the EMB performed on 5-7-14. Unfortunately our request was denied and we are seeking the balance owed to us."

Amount in Dispute: \$370.51

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "the explanation of Bill Review explains the Carrier's payment and we ask that you find that Dr. Khalifa has been paid the correct amount per the DWC Medical Fee Guidelines."

Response Submitted by: AIG, 4100 Alpha Rd., Ste 700, Dallas, TX 75244

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
May 7, 2014	99204, 95886, 95910, A4556	\$370.51	\$0.00

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and applicable rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

- 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
- 28 Texas Administrative Code §134.203 sets out the reimbursement guidelines for professional medical services.
- The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:
 - 150 – Payer deems the information submitted does not support this level of service

- 97 – The benefit for this service is included in the payment/allowance for another service/procedure that has already been adjudicated

Findings

1. Are the insurance carrier's reasons for denial or reduction of payment supported?
2. What is the applicable rule pertaining to reimbursement
3. Is the requestor entitled to additional reimbursement?

Findings

- (1) The carrier denied Code 99204 as 150 – “Payer deems the information submitted does not support this level of service.” The applicable rule is as follows. 28 Texas Administrative Code §134.203 (b) states in pertinent part, “For coding, billing, reporting, and reimbursement of professional medical services, Texas workers' compensation system participants shall apply the following: Medicare payment policies, including its coding; billing; correct coding initiatives (CCI) edits;”

The Centers for Medicare and Medicaid Services guidelines as it relates to documentation requirements of Evaluation and Management Codes can be found at; <https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNEdWebGuide/Downloads/95Docguidelines.pdf>

Review of the submitted medical record dated May 7, 2014 finds the following:

Submitted code 99204 is described as: Office or other outpatient visit for the evaluation and management of a new patient, which requires these 3 key components: A comprehensive history; A comprehensive examination; Medical decision making of moderate complexity. Counseling and/or coordination of care with other physicians, other qualified health care professionals, or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the presenting problem(s) are of moderate to high severity. Typically, 45 minutes are spent face-to-face with the patient and/or family.

Comprehensive

- Documentation of the Comprehensive History
 - HPI: Status of chronic conditions: Code requires status of 3 chronic conditions. Documentation finds one. This component was not met.
 - History of Present Illness (HPI) consists of at least four elements of the HPI or the status of at least three chronic or inactive conditions. Documentation found listed three elements of the chronic condition, thus not meeting this component.
 - Review of Systems (ROS) inquires about the system (s) directly related to the problem(s) plus additional body systems. At least ten organ systems must be reviewed. Documentation found listed one system, this component was not met.
 - Past Family, and/or Social History (PFSH) require a review of two or all history areas, at least one specific item from each history areas to be documented. The documentation found listed one area, (Past history). This component was not met.
- Documentation of a Comprehensive Examination:
 - Requires at least eight or more systems to be documented, with at least two elements listed per system. The documentation found listed one body area/ one organ system: (Each extremity, and Musculoskeletal). This component was not met.

Pursuant to Rule 134.203(b) no separate payment can be recommended.

2. 28 Texas Administrative Code §134.203 (c) states, To determine the MAR for professional services, system participants shall apply the Medicare payment policies with minimal modifications.

- (1) For service categories of Evaluation & Management, General Medicine, Physical Medicine and Rehabilitation, Radiology, Pathology, Anesthesia, and Surgery when performed in an office

setting, the established conversion factor to be applied is (date of service annual conversion factor).

The remaining services in dispute will be calculated as follows:

- Procedure code 95886, service date May 7, 2014, represents a professional service with reimbursement determined per §134.203(c). The Medicare fee is the sum of the geographically adjusted work, practice expense and malpractice values multiplied by the conversion factor. The MAR is calculated by substituting the Division conversion factor. For this procedure, the relative value (RVU) for work of 0.86 multiplied by the geographic practice cost index (GPCI) for work of 1.014 is 0.87204. The practice expense (PE) RVU of 1.67 multiplied by the PE GPCI of 1.004 is 1.67668. The malpractice RVU of 0.04 multiplied by the malpractice GPCI of 0.939 is 0.03756. The sum of 2.58628 is multiplied by the Division conversion factor of \$55.75 for a MAR of \$144.19 at 2 units is \$288.38.
 - Procedure code 95910, service date May 7, 2014, represents a professional service with reimbursement determined per §134.203(c). The Medicare fee is the sum of the geographically adjusted work, practice expense and malpractice values multiplied by the conversion factor. The MAR is calculated by substituting the Division conversion factor. For this procedure, the relative value (RVU) for work of 2 multiplied by the geographic practice cost index (GPCI) for work of 1.014 is 2.028. The practice expense (PE) RVU of 3.07 multiplied by the PE GPCI of 1.004 is 3.08228. The malpractice RVU of 0.12 multiplied by the malpractice GPCI of 0.939 is 0.11268. The sum of 5.22296 is multiplied by the Division conversion factor of \$55.75 for a MAR of \$291.18.
 - Procedure code A4556, service date May 7, 2014, has a status of "P" or Bundled/Excluded codes. No separate payment can be recommended
3. The total allowable reimbursement for the services in dispute is \$579.56. This amount less the amount previously paid by the insurance carrier of \$579.56 leaves an amount due to the requestor of \$0.00. No additional reimbursement can be recommended.

Conclusion

For the reasons stated above, the Division finds that the requestor has not established that additional reimbursement is due. As a result, the amount ordered is \$0.00.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code §413.031, the Division has determined that the requestor is entitled to \$0.00 reimbursement for the disputed services.

Authorized Signature

Signature

Medical Fee Dispute Resolution Officer

August 12, 2015
Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, 37 *Texas Register* 3833, applicable to disputes filed on or after June 1, 2012.

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MFDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.